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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/044,779	01/10/2002	André Paul Cyrille Laurin	2588/102	9140
2101 7590 08/06/2007 BROMBERG & SUNSTEIN LLP 125 SUMMER STREET BOSTON, MA 02110-1618			EXAMINER JEANTY, ROMAIN	
			ART UNIT 3623	PAPER NUMBER
			MAIL DATE 08/06/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/044,779	<b>Applicant(s)</b> LAURIN ET AL.	
	<b>Examiner</b> Romain Jeanty	<b>Art Unit</b> 3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 May 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-41, 46-86, 91-93 is/are pending in the application.
- 4a) Of the above claim(s) 42-45 and 87-90 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-41, 46-86 and 91-93 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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### **DETAILED ACTION**

1. Applicant's election without traverse of claims 1-41, 46-86, and 91-93 in the reply filed on May 2, 2007 is acknowledged.

### **Claim Rejections - 35 USC § 112**

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 4, the phrase "may be" renders the claim indefinite because it is unclear whether the limitation (s) following the phrase are part of the claimed invention. Appropriate correction is needed.

### **Claim Rejections - 35 USC § 102**

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if

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the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 28, 46, 61-62, 69, 71, 79, 85, 91-92 are rejected under 35 USC 102(e) as being anticipated by D'Alessandro (U.S. Patent No. 6,556,974)

Regarding claims 1, 28, discloses obtaining over a computer network a structured response from an employee of the business (col. 5, lines 44-53), and determining the network routing of data from the structured response to business management based upon entries of the response (LAN for carrying the gathered responses from the employees) (col. 5, lines 44-59)

Claims 46, 61-62, 69, 71, and 85 are computer program product having computer readable code thereon for providing to business management a plan for implementing an employee suggestion of method claim 1; therefore claims 46, 61-62, 69, 71 are rejected under the same analysis relied upon of claim 1.

Claim 79 is a computer program product according to claim 46, further comprising: maintaining an employee suggestion log in memory of claim 34 above; therefore claim 79 is rejected under the same analysis relied upon of claim 34 above.

Claim 85 is a computer program product according to claim 46, further comprising maintaining an employee suggestion log in memory of claim 34 above; therefore claim 79 is rejected under the same analysis relied upon of claim 46 above.

Claims 91-92 recite all of the limitation of claim 1 above except for a set of templates from the employee creating. Note the rejection of claim 1 regarding the templates above.

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**Claim Rejections - 35 USC § 103**

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2-27, 29-41, 47-60, 63-70, 72-78, 80-84, 86, 93 are rejected under 35 U.S.C. 103(a) as being unpatentable over D'Alessandro (U.S. Patent No. 6,556,974).

Regarding claims 2-3, 5-10, 12-33, 35-41, 63-70, 72-78, 80-84, 86, 93, the claimed features (i.e. the templates) are standard practice of in the art of business management in order to have easy access to data. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include such features in the system of D'Alessandro in order to have easy access to the data, thereby making easy to edit the data

Regarding claim 4, The method according to claim 3, wherein the type of proposal may be selected from **one of the group of** cost saving, revenue generation, quality improvement, safety improvement, customer service improvement, policy change and advertising or corporate slogan (col. 9, lines 31-36).

As per claim 11, D'Alessandro does not teach wherein access to financial data is controlled through an employee's log-in for the computer network. However, wherein access to financial data is controlled through an employee's log-in for the computer network is old and well known in the art in order to provide unauthorized access to the

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financial data.

Regarding claim 34, D'Aleesandro does not explicitly disclose maintaining an employee suggestion log in memory associated with the processor. However it is old and well known in the art to maintain an employee suggestion log in memory in order to provide easy access to the suggestion data. It would have been obvious to a person of ordinary skill in the art to modify the disclosures of D'Alessandro to include this well known teachings in order to provide easy access to the data.

Claims 47-55, 57-62, are computer program having computer codes thereon for providing to business management a plan for implementing the steps of method claims 2-3, 5-6, 7-10, 12, 13-33, 35-36, 38-41 above; therefore claims 47-55, and 57-62 are rejected under the same rationale relied upon of claims 2-3, 5-6, 7-10, 12, 13-33, 35-36, 38-41 above.

Claims 56 is a computer program product wherein access to financial data is controlled through an employee's log-in for the computer network of method claim 11 above; therefore claim 56 is rejected under the same analysis relied upon of claim 11 above.

### **Conclusion**


8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Romain Jeanty whose telephone number is (571) 272-6732. The examiner can normally be reached on Mon-Thurs 7:30 am to 6:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq R. Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RJ

  
Romain Jeanty  
Primary Examiner  
Art Unit 3623  
July 23, 2007